

FISCAL NOTE

Bill #: HB0761

Title: Authorize use of eminent domain for veteran's cemeteries

Primary Sponsor: Haines, D

Status: As Introduced

| | | | |
|-------------------|------|---------------------------------|------|
| Sponsor signature | Date | Chuck Swysgood, Budget Director | Date |
|-------------------|------|---------------------------------|------|

Fiscal Summary

| | <u>FY 2004 Difference</u> | <u>FY 2005 Difference</u> |
|--|--------------------------------------|--------------------------------------|
| Expenditures: | | |
| State Special Revenue | \$150,000 | \$0 |
| Revenue: | | |
| State Special Revenue | \$150,000 | \$0 |
| Net Impact on General Fund Balance: | \$0 | \$0 |

- | | |
|---|--|
| <input type="checkbox"/> Significant Local Gov. Impact | <input checked="" type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts |
| <input type="checkbox"/> Dedicated Revenue Form Attached | <input checked="" type="checkbox"/> Needs to be included in HB 2 |

Fiscal Analysis

ASSUMPTIONS:

1. The creation of a state veterans' cemetery must follow basic criteria: 1) The land must be owned by the State of Montana, and 2) The proposed site must meet federal VA requirements and attain federal VA approval of the site to be eligible for a cemetery grant that pays for the cemetery's construction, and reimbursement of state expenditures such as environmental impact studies, and architecture and design contracts. The grant does not pay for land purchase, access road construction or legal actions necessary to attain land.
2. Based upon the most recent pre-construction costs at the Eastern Montana State Veterans Cemetery at Miles City, the environmental impact studies, architectural and design contracts and other authorized reimbursable expenses will require an approximate \$150,000 expenditure of state funds.
3. Any eminent domain action would require fair market value payment to property owners, which would require appraisal(s) and subsequent payment.
4. Any eminent domain action would be necessary due to individual or local government opposition to a voluntary establishment of a state veterans' cemetery at a subject location; therefore, legal action initiated by these concerns must be anticipated.
5. Figures do not include any required expenditures resultant of property appraisal, litigation and/or fair market value purchase of property.

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(continued)

6. Any expenditures resultant of property appraisal, litigation and/or fair market value purchase of property , will create a negative impact to the general fund.

FISCAL IMPACT:

| Dept. of Military Affairs (31) | <u>FY 2004 Difference</u> | <u>FY 2005 Difference</u> |
|--|--------------------------------------|--------------------------------------|
| <u>Expenditures:</u> | | |
| Operating Expenses | \$150,000 | \$0 |
| <u>Funding of Expenditures:</u> | | |
| State Special Revenue (02) | \$150,000 | \$0 |
| <u>Revenues:</u> | | |
| State Special Revenue (02) | \$150,000 | \$0 |
| <u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u> | | |
| State Special Revenue (02) | \$0 | \$0 |

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:
Unknown

TECHNICAL NOTES:

1. The bill does not state who would pay for land if purchase is required or for the litigation if eminent domain procedure were initiated.